

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Shelia Franklin v Dwight Maxwell**
Docket No. **270138**
L.C. No. **04-430506-CH**

William C. Whitbeck, Chief Judge, acting under MCR 7.211(E)(2) and MCR 7.217, orders:

The Court orders that the motion to withdraw as counsel for plaintiff-appellant Shelia Franklyn is GRANTED. Counsel is allowed to withdraw and the Court's records shall reflect that Shelia Franklyn is temporarily proceeding without counsel.

However, plaintiff-appellant cannot prosecute this appeal without counsel because she is proceeding in her representative capacity as guardian for the real party in interest, Vivian Armstrong, who is a legally incapacitated person. See *Shenkman v Bragman*, 261 Mich App 412; 682 NW2d 516 (2004).

Under the circumstances, the case is REMOVED from the settlement program and plaintiff-appellant Shelia Franklyn is afforded a period of 35 days after the Clerk's certification of this order to obtain counsel and file appellant's brief on appeal. If the appellant's brief is not filed within this 35-day period, the Clerk of the Court shall submit the appeal for involuntary dismissal under MCR 7.217.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

March 19, 2007
Date

Sandra Schultz Mengel
Chief Clerk